

EXHIBIT 9 (PART III)

MARY ROZELL

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1 A. The beginning of the year.

2 Q. January?

3 A. Yes.

4 Q. What raise were you supposed to get?

5 A. It was, generally it was a two to
6 three percent raise.

7 Q. You got a raise in the previous
8 years?

9 A. I got a raise the first year I was
10 there. The second year I was there we were told
11 that the raises were forgotten, so this was an
12 issue I brought up with Mr. Pirozzi on several
13 occasions on behalf of the entire staff.

14 Q. Nobody got raises?

15 A. In 2003. I'm not sure but I think
16 that's what happened.

17 Q. Is that related to Ms. Ross's
18 financial situation?

19 A. I don't know. The first year we
20 were told that our raises were small because of
21 her financial situation. The second year nothing
22 was said.

23 Q. Other than that comment that you had
24 that Mr. Pirozzi shared with you about raises, do

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1 you remember any other conversations other than
2 what you've discussed that you thought were
3 inappropriate or offensive to you in 2004?

4 A. We had another telephone
5 conversation in April.

6 Q. April when?

7 A. 2004.

8 Q. And what was discussed?

9 A. In my absence -- I went on vacation
10 in early April, and in my absence he had meetings
11 with both of my staff members, Tasha and Leah.
12 And in the meeting with Tasha he indicated to her
13 that he could give -- that he could get rid of
14 Leah if that's what it took for Tasha to stay on.

15 Q. During your absence he had a
16 conversation with Tasha?

17 A. Yes.

18 Q. And said to Tasha that he would fire
19 Leah if it would encourage her to stay?

20 A. He indicated that it was a
21 possibility.

22 Q. Is that because of the conflict
23 between Leah and Tasha?

24 A. He asked Tasha what it would take

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1 for her to stay, and she gave him a list of
2 reasons, I believe, why she was leaving and that
3 was one thing that he said to her.

4 Q. Do you know what else she said were
5 the reasons she wanted to leave?

6 A. I believe had to do with Darius's
7 behavior.

8 Q. What was that behavior?

9 A. Just general behavior.

10 Q. General behavior?

11 A. Uh-hum.

12 Q. Not good, not bad, just general?

13 A. Well, he could be abusive.

14 Q. Give me an example.

15 A. He would threaten people that he
16 would tell on them, he would tell -- accuse
17 people of taking things, he would -- he was, he
18 could be very difficult.

19 Q. What other reasons do you recall
20 Tasha listed as reasons she wanted to leave?

21 A. I don't know.

22 Q. That's all you recall?

23 A. That was just my conversation with
24 her.

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1 Q. You liked Tasha didn't you?

2 A. Yes.

3 Q. Friendly with her?

4 A. Yes.

5 Q. Still friendly with her?

6 A. Yes.

7 Q. And Tasha had a problem with Leah;
8 right?

9 A. I think it was more the other way
10 around.

11 Q. In either event the two of them had
12 a conflict?

13 A. They had a conflict towards the end.

14 Q. They weren't working well together;
15 isn't that a fair statement?

16 A. It's not that they weren't working
17 well together because they were both doing their
18 jobs and doing a good job --

19 Q. I understand that but there was a
20 conflict between the two of them. I'm not
21 placing blame here. I'm just saying there was a
22 conflict; isn't that true?

23 A. There was a conflict. Uh-hum.

24 Q. And Mr. Pirozzi was saying to Tasha

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1 what can I do to fix the problem, so to speak?

2 A. Uh-huh.

3 Q. I'll get rid of Leah. Isn't that
4 what you're saying?

5 A. Yes.

6 Q. Did you find that offensive?

7 A. Yes, I did.

8 Q. And why was that?

9 A. I found it offensive because I
10 didn't think it was appropriate for Mr. Pirozzi
11 to be telling one staff member of mine that he
12 would get rid of another staff member of mine. I
13 also didn't think it was appropriate for him to
14 be making any promises to Tasha.

15 Q. That he couldn't fulfill?

16 A. And I also felt that he was fueling
17 the situation between them by giving Tasha a
18 substantial raise and offering her more money
19 than what he had given her.

20 Q. That situation was pretty bad
21 between Tasha and Leah, wasn't it, at the time?

22 A. Well, the situation initially arose
23 when I was on bed rest. As soon as I came back
24 it was resolved. And the situation was just --

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1 Tasha had gotten another job offer, more money,
2 and the crux of it was Leah being jealous of
3 Tasha, and so we were trying to resolve it at
4 that time.

5 Q. Was this disruption in the office
6 known to others besides yourself and Mr. Pirozzi?

7 MS. PERATIS: Objection to the
8 characterization of disruption.

9 MR. WEBER: I'll rephrase it.

10 Q. Was the relationship between Tasha
11 and Leah known to others beside yourself and Mr.
12 Pirozzi?

13 A. That I don't know.

14 Q. Did they talk to each other in the
15 workplace?

16 A. Who?

17 Q. Leah and Tasha?

18 A. Yes.

19 Q. Was there any hostility between
20 them?

21 A. There was hostility on a certain
22 occasion.

23 Q. Did you ever talk to both of them
24 about their relationship between each other?

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1 A. I talked to each of them about their
2 relationship.

3 Q. How often?

4 A. How often?

5 Q. Yeah.

6 A. Well, it wasn't necessary up until
7 the end.

8 Q. When did the, when did their
9 relationship become less than harmonious?

10 A. I think it was sometime in late
11 March.

12 Q. And do you know what triggered it?
13 was it the job --

14 A. Tasha's raise.

15 Q. Have you now given me all the
16 comments that you felt were inappropriate or
17 actions that were inappropriate by Mr. Pirozzi
18 towards you?

19 A. All of them?

20 Q. Yes.

21 A. In the course of my employment?

22 Q. Correct.

23 A. No.

24 Q. Tell me what else there was.

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1 A. There were occasions where Mr.
2 Pirozzi insisted on walking me to the subway.

3 Q. When he would come to 71st Street?

4 A. Uh-hum.

5 Q. On the occasions that he met with
6 you?

7 A. I don't know if we met or not. He
8 was there.

9 Q. And did you find that offensive?

10 A. I found it slightly offensive. I
11 found it unnecessary. I told him it wasn't
12 necessary. He would put his hands on me and I
13 found that offensive.

14 Q. Where would he put his hands?

15 A. On my waist.

16 Q. In what way?

17 A. He put his hands on his waist -- on
18 my waist when he was saying good-bye to me at the
19 subway. He would touch me sometimes in the
20 office.

21 Q. How often would he walk you to the
22 subway?

23 A. Only two times that I remember.

24 Q. Did he drive to 71st Street when he

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1 would come there?

2 A. I don't know how he got there.

3 Q. Do you know if he drove a car?

4 A. I don't know.

5 Q. Do you know if he ever walked to a
6 garage?

7 A. I don't know.

8 Q. So on the two occasions that he
9 walked you to the subway was it on each occasion
10 that he put his hand on your waist?

11 A. Yes.

12 Q. Did you find that offensive?

13 A. Yes, I did.

14 Q. Did you say something to him?

15 A. No.

16 Q. Did you say something to somebody
17 else?

18 A. Yes.

19 Q. Who?

20 A. I believe I told my staff.

21 Q. You believe you did?

22 A. Yeah.

23 Q. When he put his hand on your waist,
24 did you ever put your hand on his waist?

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1 A. No.

2 Q. You never touched him back?

3 A. No.

4 Q. Never put your hand on his arm,
5 elbow, shoulder?

6 A. I don't think so.

7 Q. Think about it.

8 A. No, I don't think so.

9 Q. You don't think so?

10 A. No.

11 Q. You're not sure, though?

12 A. I don't think so.

13 Q. Any other comments or actions you
14 felt were inappropriate?

15 A. After the Christmas dinner Mr.

16 Pirozzi came behind my desk and hugged me.

17 Q. And when was that?

18 A. Not sure if it was in December of
19 2003 or early January, beginning of the new year.

20 Q. And was this --

21 A. 2004.

22 Q. -- in 71st Street.

23 A. Yes.

24 Q. In December?

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1 Q. Name of the restaurant?

2 A. I don't remember. I don't remember.

3 Q. Do you remember when it was?

4 A. It was December 22nd, a Monday.

5 Q. And what actions did -- you felt
6 were inappropriate?

7 A. During the course of the dinner Mr.
8 Pirozzi kept telling me that he was going to walk
9 me home. That made me nervous. At the end of
10 the dinner he told me in front of everyone else
11 that he was going to walk me home.

12 Q. Uh-hum.

13 A. I told him it wasn't necessary, and
14 then he walked me home.

15 Q. Who was at that Christmas party?

16 A. Deidre James, Cecilia Cardam-Smith,
17 it's a double last name; Leah Ross, Tasha Seren,
18 Mr. Pirozzi. I think Linda Beck might have been
19 there, and that might be it. My husband and son
20 were there in the beginning.

21 Q. They were there in the beginning?

22 A. (Indicating yes.)

23 Q. And they left?

24 A. Uh-hum.

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1 Q. Was there any drinking going on at
2 that dinner?

3 A. Yes.

4 Q. Did you have something to drink?

5 A. Yes.

6 Q. Did you have wine?

7 A. I believe so.

8 Q. Did you have any other alcohol?

9 A. I don't think so.

10 Q. How much wine did you have?

11 A. I don't remember.

12 Q. More than two glasses?

13 A. I would guess two glasses.

14 Q. Just two glasses?

15 A. I believe.

16 Q. You say your husband was there?

17 A. In the beginning.

18 Q. And your child?

19 A. Yes.

20 Q. This was December 2003?

21 A. (Indicating yes.)

22 Q. And they left?

23 A. Yes.

24 Q. And you said Mr. Pirozzi made these

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1 comments in front of others at the dinner,
2 comments that he was going to walk you home?

3 A. I don't know -- he made the comments
4 in front of others after we'd left the
5 restaurant.

6 Q. As you were leaving the restaurant?

7 A. Uh-huh.

8 Q. The group --

9 A. As a group. The group was --

10 Q. Was leaving together?

11 A. -- kind of on the corner; people
12 getting cabs.

13 Q. He said I'll walk you home?

14 A. Yes, something like that.

15 Q. In front of everybody?

16 A. (Indicating yes.)

17 Q. And he walked you home?

18 A. Uh-hum.

19 Q. And did he do or say anything that
20 was inappropriate when he walked you home?

21 A. When we got to my home, he tried to
22 kiss me good-bye.

23 Q. On the lips or on the cheek?

24 A. I think he was trying to kiss me on

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1 the lips.

2 Q. Did you kiss him back?

3 A. No.

4 Q. Did he kiss you?

5 A. He kind of hit my side of my face.

6 Q. Any doormen there?

7 A. Yes.

8 Q. Who's the doorman that was observing
9 this?

10 A. I don't remember.

11 Q. Did you ever talk to your doorman
12 about it?

13 A. No.

14 Q. And did you say anything at the
15 time?

16 A. I just ran inside.

17 Q. And did he say anything to you?

18 A. I don't remember.

19 Q. Any other comments or statements
20 that Mr. Pirozzi made other than what you've
21 already testified to that you found offensive?

22 A. I don't recall.

23 Q. Did you say anything to anybody
24 after the Christmas party about Mr. Pirozzi's

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1 A. Yes.

2 Q. And you were upset?

3 A. Yes.

4 Q. Did you speak to anyone else
5 privately besides Leah?

6 A. I think I spoke to Tasha trying to
7 decide what to do.

8 Q. What did you say to Tasha about what
9 you should do?

10 A. I don't remember. I was approached
11 by Krystie McCauley, Mrs. Ross-Holst's assistant.

12 Q. What did she say to you?

13 A. She said I'm sorry about what
14 happened, Mary, and I'm sorry you're in this
15 position. And she said --

16 Q. You want to take a break?

17 A. No. She said that she thought that
18 Mrs. Ross-Holst would want to speak to me about
19 it.

20 MS. PERATIS: Do you want a break,
21 Mary?

22 THE WITNESS: No, I don't.

23 Q. She said that she thought Ms.
24 Ross-Holst would want to speak to you about what

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1 you were experiencing?

2 A. Neil's behavior.

3 MS. PERATIS: Do you want some
4 tissues? Let's just pause for a moment.
5 Let her take a breath.

6

7 (Whereupon, a recess was taken.)

8

9 BY MR. WEBER:

10 Q. Approximately when did Krystie say
11 this to you?

12 A. I don't remember if it was that week
13 or sometime after the holiday. I think it was
14 after the holiday.

15 Q. And what if anything did you say to
16 Krystie in response?

17 A. I told her I wasn't sure I wanted to
18 do that.

19 Q. And what did she say?

20 A. I think, at one point, she said well
21 just let me know, then she kept calling me and
22 saying I really think Mrs. Ross-Holst would like
23 to speak to you about this. I really think you
24 should talk to her.

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1 Q. Do you know if Krystie spoke to Ms.
2 Ross-Holst about what you were experiencing?

3 A. Before the meeting she did.

4 Q. Who set up that meeting?

5 A. Krystie.

6 Q. So she made arrangements for you to
7 meet with Ms. Ross-Holst?

8 A. Yes.

9 Q. It was her idea?

10 A. Yes.

11 Q. And she arranged the meeting in
12 January of 2004?

13 A. Yes.

14 Q. And with you and Ms. Ross-Holst?

15 A. Yes.

16 Q. And did you attend that meeting?

17 A. I did.

18 Q. Was that at 71st Street?

19 A. Yes.

20 Q. And approximately what day -- strike
21 that.

22 what time of the day did you meet?

23 A. I think it might have been early
24 afternoon or late morning.

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1 Q. And who was present?

2 A. Mrs. Ross-Holst and Richard Halpern.

3 Q. And who is he?

4 A. He was an outside financial adviser.

5 Q. Anyone else?

6 A. That's it.

7 Q. Tell me who started the meeting.

8 A. Who started the meeting?

9 Q. Let me rephrase it.

10 A. Who first made a statement?

11 A. I don't remember.

12 Q. Did Ms. Ross-Holst express concern
13 for you?

14 A. Yes and no.

15 Q. Well, give me -- tell me what she
16 said.

17 A. Well, she said -- at one point I
18 apologized for taking her time and she said that
19 that was okay because she cared about me, and
20 other times she made sex jokes.

21 Q. Well, tell me exactly what she said?

22

23 A. She said, I told her that Mr.

24 Pirozzi's comments were especially disturbing to

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1 to Richard. And I just brought it up because it
2 was a conflict and I wanted clarification from
3 Courtney on what her --

4 Q. What was that conflict?

5 A. The conflict was that Neil took
6 binders of the whole catalog of the art
7 collection, with all the details about it,
8 without asking me and gave them to Mr. Halpern
9 and his staff.

10 Q. Do you know why he did that?

11 A. He explained afterwards that he
12 needed them for a few specific reasons.

13 Q. Did he say what they were?

14 A. Yes, he said he needed that for
15 determining cost basis and for, I think,
16 questions about the Stephen J. Ross estate and
17 some other thing.

18 Q. Any reason -- do you have any reason
19 to doubt veracity of those statements?

20 A. I don't doubt the veracity of those
21 statements, no.

22 Q. When you said to Ms. Ross-Holst that
23 you thought Mr. Pirozzi's behavior was
24 troublesome did you state specifically what

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1 behavior you thought was troublesome?

2 A. Some of it, not all of it.

3 Q. What did you state to Ms.

4 Ross-Holst?

5 A. I told her about the comments about
6 my body and him trying to kiss me.

7 Q. After the Christmas party?

8 A. Uh-hum.

9 Q. What else did you tell her?

10 A. I don't remember. I remember there
11 was -- oh, Neil had told me on occasion that when
12 I was out on bed rest he told me that he missed
13 me and that I was the reason why he came to work,
14 and I remember not telling her that.

15 Q. Okay. Do you remember anything else
16 you did tell her? I don't need to know
17 everything you didn't tell her.

18 A. I don't know specifically.

19 Q. Again, take a minute and think about
20 it.

21 A. Just generally about his comments.

22 Q. What did you say beside the comments
23 about your body and his efforts to kiss you after
24 the Christmas party?

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1 A. what specifically did I say?

2 Q. Other than those two things.

3 A. I think I also told her that the
4 staff was concerned.

5 Q. Anything else did you tell her?

6 A. I don't remember.

7 Q. What, if anything, did she say in
8 response?

9 A. Well, like I said, she made some
10 jokes. She told me that she cared about me and
11 she said -- she said, well, what do you want me
12 to do about it.

13 Q. Right. What did you say?

14 A. I think I basically said --

15 MS. PERATIS: I want the record to
16 reflect the witness said, put the emphasis
17 in that sentence on "me."

18 MR. WEBER: I'm sorry?

19 MS. PERATIS: I want the record to
20 reflect that the witness said.

21 MR. WEBER: What do you want me to
22 do about it?

23 MS. PERATIS: What do you want me to
24 do about it?

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1 Q. what do you want me to do about it
2 is what Ms. Ross said to you; right?

3 MS. PERATIS: The witness's
4 inflection was significant.

5 MR. WEBER: Should we go back and
6 also put accents on things as well?

7 Q. Ms. Ross said to you, what would you
8 want, me, Ms. Ross, to do about it; and what did
9 you say?

10 A. I told her that I would take care of
11 it.

12 Q. You would take care of it?

13 A. Yes.

14 Q. And what did she say to you?

15 A. She said okay.

16 Q. Did Mr. Halpern say anything?

17 A. I don't think so.

18 Q. What else was said if anything
19 during that meeting?

20 A. I don't recall. I think that's it,
21 generally.

22 Q. Well, think a minute more and make
23 sure you've told me everything you can about that
24 meeting with Ms. Ross-Holst and Mr. Halpern.

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1 believes how she was treated.

2 Q. How did you describe your
3 relationship with Ms. Ross to your therapist?

4 A. With my therapist? I don't remember
5 how I described it to her.

6 Q. You talked about Ms. Ross, did you
7 not?

8 A. Yes.

9 Q. At length; correct?

10 A. Probably.

11 Q. Did you not view your relationship
12 with Ms. Ross as a friendly one during your
13 employment?

14 A. I thought I had a good relationship
15 with her, yes.

16 Q. You never complained about her, did
17 you?

18 A. Complain about her?

19 Q. About Ms. Ross; did you ever
20 complain about the way she treated you?

21 A. To her?

22 Q. Yes.

23 A. No.

24 Q. To anybody else?

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1 Krystie.

2 Q. And what was her position?

3 A. Krystie? She was Mrs. Ross-Holst's
4 assistant, personal assistant.

5 Q. What were you told by Darius?

6 A. I was told that the needs of the art
7 department had changed and that I was no longer
8 needed.

9 Q. Did he say anything else to you?

10 A. I asked him who made that
11 determination.

12 Q. What, if anything, did he say?

13 A. He said something like the powers
14 that be.

15 Q. Did he say anything else?

16 A. I asked him to explain that a little
17 bit more and he said that the collection needed
18 more hands on curatorial work.

19 Q. Did he say anything else?

20 A. He gave me a severance agreement,
21 told me I could talk to a lawyer. He told me I
22 had a half an hour to get out. He told me that
23 either he or Krystie would be monitoring me the
24 whole time. He told me that I wasn't allowed to

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1 touch my computer. He told me -- I asked him
2 about my staff said -- asked him if they knew
3 and he said he was going to tell them.

4 I asked him what was going to happen to
5 them and he said, he said that he hoped -- they
6 were expecting Tasha to stay and hoped that she
7 would stay.

8 He told me I should leave through the
9 service elevator so that Mrs. Ross-Holst wouldn't
10 have to see me because that would make her
11 uncomfortable.

12 He came in to monitor what was going on.
13 He tried to take my rolodex from me which I'd had
14 for about 15 years, then he sat down with me and
15 walked through every card in my rolodex and told
16 me which ones related to my job at Andco that had
17 to come out like the address of storage.

18 Then he -- I told him that I wanted my
19 personal documents. He told me that only he
20 could get them for me and that he would give me a
21 disk, CD, with my documents, and he sat at my
22 desk and I instructed him where my personal
23 documents were and he went through the motions of
24 making a CD and putting my things in the trash.

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1 A. Either Darius or Krystie, I don't
2 remember.

3 Q. And did you say good-bye to anybody?

4 A. On my way out I waved good-bye to
5 Bruce, the chef, who was in the kitchen, and I
6 stopped in the front office where Neil and, I
7 don't know who else was there, maybe Krystie if
8 she wasn't taking me, and I just said good-bye.

9 Q. Did anybody say anything in
10 response?

11 A. I think they just looked at me.

12 Q. Did you speak to anybody else?

13 A. I don't think so.

14 Q. Did anyone speak to you as you were
15 leaving?

16 A. No, I don't think so.

17 Q. Did you call Ms. Ross-Holst after
18 you got home?

19 A. No.

20 Q. Did you put a call in to her at any
21 time after that?

22 A. I don't think so, no.

23 Q. Do you know whose decision it was to
24 terminate your employment?

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1 A. No.

2 Q. Do you believe that the decision to
3 terminate your employment was based on your
4 complaint to Ms. Ross-Holst?

5 A. I do.

6 Q. What do you base that on?

7 A. I base that on the fact that I don't
8 believe there was another reason to terminate me.

9 Q. Anything else?

10 A. Course of events from the time I
11 reported -- I spoke with Mrs. Holst's, to the
12 time I was fired.

13 Q. The course of events that you
14 described --

15 A. Uh-hum.

16 Q. -- earlier today?

17 A. Uh-hum.

18 Q. Anything else?

19 A. I don't think so. I'm not sure.

20 Q. Do you know if Ms. Ross-Holst or Mr.
21 Halpern ever spoke to Mr. Pirozzi about your
22 complaint?

23 A. I don't know.

24 Q. Anybody ever tell you that they did?

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1 **A.** **NO.**

2

3 (Defendants' Exhibit ww,
4 E-MAIL, was marked for
5 identification.)

6

10

11 Q. I show you Defendants' Exhibit WW
12 for identification. Did you ever see that
13 document before, two-page document, two e-mails?

14 A. What was the question again? Do I
15 recognize it?

16 Q. Yes.

17 A. Yes.

18 Q. These are your e-mails?

19 A. Yes.

20 Q. Did you ever tell anybody you were
21 going to write a tell-all book?

22 A. No.

23 Q. Did you discuss with anybody about a
24 consulting -- your consulting aspirations?

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1 MS. PERATIS: When?

2 MR. WEBER: 2004.

3 A. 2004, probably.

4 Q. With whom?

5 A. People that I would talk to about
6 what I was going to do next.

7 Q. I show you what's been marked
8 Defendants' Exhibit XX, can you identify it?

9 A. This is an e-mail from me to Bettina
10 Sulser.

11 Q. Is that your handwriting on that
12 document?

13 A. Yes.

14

15 (Defendants' Exhibit YY,
16 E-MAIL, was marked for
17 identification.)

18

19 Q. I show you Defendants' Exhibit YY.
20 Can you identify that document?

21 A. This is an e-mail from me to the
22 same automaton expert.

23 Q. Okay. Prior to your termination
24 from Andco, were you ever looking for another job

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1 while employed by Andco?

2 A. I think I sent off a job application
3 while I was there.

4 Q. Do you remember when?

5 A. I think it was some time in 2004.

6 Q. To whom did you send the
7 application?

8 A. To Skidmore College.

9 Q. What position were you seeking?

10 A. Director of the art museum.

11 Q. Approximately when did you send
12 that? I know you said 2004. Can you give me a
13 better --

14 A. Some time, well, the letter's in my
15 computer, so it would have the exact date.

16 Q. Sometime prior to end of April,
17 2004?

18 A. Yes.

19 Q. And did you hear back from Skidmore?

20 A. Yes.

21 Q. And what did they say?

22 A. I didn't get the job.

23 Q. Did you seek any other employment
24 prior to the end of April 2004 while you were

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1 employed by Andco?

2 A. I met with a head hunter who I'd met
3 with before, when I first came back to the United
4 States. She called me, and I had a meeting with
5 her at some point during that period.

6 Q. During 2004?

7 A. Uh-hum. I think it was 2004.

8 Q. And what's her name?

9 A. I don't remember. I don't remember
10 her name.

11 Q. Do you remember the name of her
12 company?

13 A. It had something to do with art,
14 management art. It was based in Connecticut.

15 Q. Did you give her a resume -- resume?

16 A. I think so.

17 Q. And did you tell her what kind of
18 position you were looking for or did she have
19 something in mind for you?

20 A. No, she had something in mind for me
21 that she contacted me about.

22 Q. She contacted you first or you
23 contacted her?

24 A. I think she contacted me. I don't

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1 really remember.

2 Q. Do you think you could find her name
3 and company if you had a chance?

4 A. I think it's in my computer at work.

5 Q. At work at Andco?

6 A. Yes, that's where all my contacts
7 are and were.

8 Q. So you don't have it at home?

9 A. No.

10 Q. Do you remember her last name?

11 A. No.

12 Q. Do you remember the name of the
13 company?

14 A. I just told you what I remembered.

15 Q. Do you know what town in
16 Connecticut?

17 A. No.

18 Q. Did she recommend a particular job
19 for you?

20 A. She wanted to know if I would be
21 interested in a particular job.

22 Q. Did she say what the job was?

23 A. Yes, it was something at the Donald
24 Judd Foundation.

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1 Q. And where was that foundation
2 located?

3 A. I'm not sure where the exact
4 location was. The activities were split between
5 New York and Martha, Texas.

6 Q. Did you indicate an interest in the
7 position?

8 A. I think I indicated to her that I
9 was interested but I wasn't interested.

10 Q. Okay. Were there -- did you ever
11 hear back about that opportunity?

12 A. I don't think so.

13 Q. Did you seek any other employment or
14 speak to any other headhunters prior to April
15 2004 while at Andco?

16 A. I don't think so. I don't believe
17 so.

18 Q. Did you seek any employment or speak
19 to any headhunters in 2003?

20 A. I don't think so.

21 Q. What about in 2002?

22 A. I don't think so. I'm not sure.

23 Q. Since April of 2004, have you sought
24 other employment?

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1 A. Bettina ended up working there on
2 her own because she didn't want to work with me.

3

4 (Discussion held off the record.)

5

6 (Recess taken.)

7

8 (Defendants' Exhibit AAA,
9 E-MAIL, was marked for
10 identification.)

11

12 BY MR. WEBER:

13 Q. Have you been doing any writing
14 since April of '04?

15 A. Yes.

16 Q. What kind of writing?

17 A. I've been working on books and
18 writing a proposal that I hope will be expanded
19 into more of a scholarly essay on the collection,
20 the Grunebaum collection.

21 Q. What kind of books are you working
22 on?

23 A. I've been working on a book, a
24 memoir of my time in Berlin and East Germany

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1 after the wall came down, and I've been working
2 on a fiction novel and a book on Alzheimer's.

3 Q. Let's take the first one. What is
4 the first one?

5 A. The memoir.

6 Q. The memoir.

7 A. Uh-huh.

8 Q. How far along are you on that? How
9 many pages have you scripted out?

10 A. I don't know how many pages.

11 There's different -- different sections. I guess
12 maybe around 50.

13 Q. And that covers what period of time?

14 A. It covers -- it starts in '92. It's
15 not chronological. It's not in the order yet.
16 It's just little vignettes, through '97 or '98.

17 Q. Have you talked with a publisher
18 about possibly doing something there?

19 A. No.

20 Q. The fiction novel, how far are you
21 along on that?

22 A. I have about 50,000 words.

23 Q. Wow. And what's that about?

24 A. That's about -- the theme is about

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1 reassimilation into one's own country, and it's
2 kind of a -- it's a comparison of the cultural
3 values of Europe and America. It's a little bit
4 of a travel log. It takes place in Europe, in
5 the United States, and it's a lot about art and
6 the art world.

7 Q. And you started that in '04?

8 A. I started that in January of '04.

9 Q. And have you talked with a publisher
10 about that book?

11 A. No.

12 Q. Do you have an agent for that book?

13 A. No.

14 Q. Then you have a third thing you're
15 working on I think?

16 A. Alzheimer's.

17 Q. A book on Alzheimer's, and how far
18 along are you on that?

19 A. That book's been ongoing -- if you
20 can call it a book it's not a book, it's just
21 writing. That's been going on for many years
22 now. I have, I don't know how many words or
23 pages. I guess maybe 50 to a hundred pages.

24 Q. Any agent or publisher in connection

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1 A. Yes.

2 Q. Had she had Alzheimer's for a while?

3 A. Yes, a long time.

4 Q. Did you -- when you were seeing your
5 therapist did you discuss Neil Pirozzi?

6 A. Yes.

7 Q. Did you discuss all the issues that
8 were concerning you about Mr. Pirozzi with your
9 therapist?

10 A. Yes, I believe so.

11 Q. Pardon me?

12 A. I believe so.

13

14 (Defendants' Exhibit EEE,
15 E-MAIL, was marked for
16 identification.)

17

18 Q. I show you Defendants' EEE for
19 identification; can you identify that document?

20 MS. PERATIS: Is there a question
21 pending?

22 MR. WEBER: I'm asking if she can
23 identify it.

24 A. This is an e-mail, I guess from

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1 Bonnie who's --

2 Q. Let's start with the bottom, I think
3 it goes up. I think that's from you to Tiffany?

4 A. I'm responding to Tiffany.

5 Q. And that concerns your AOL account?

6 A. Yes.

7 Q. And it says, you say to Tiffany,

8 "the AOL account was started when I was -- when
9 we were located at 57th Street?

10 **A.** **Yes.**

11 Q. Is that Andco's old address?

12 A. Uh-hum.

13

14 (Defendants' Exhibit FFF.)

15 CREDIT CARD POLICY, was marked
16 for identification.)

17

18 Q. I show you what's marked Defendants'
19 Exhibit FFF. Can you identify that it?

20 A. It looks like the credit card policy
21 of August 9th, 2001.

22 Q. Did you ever see it before?

23 A. I don't remember if I saw it but it
24 looks like my handwriting on it.

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1

2 (Defendants' Exhibit GGG,
3 CREDIT CARD RECEIPTS-MAIL,
4 were marked for
5 identification.)

6

7 Q. I show you what's been marked as
8 Defendants' GGG consisting of 18 pages.

9 Is that your handwriting on the
10 first page?

A. On the Post-it?

12 Q. Yeah.

13 A. Yes, I think so.

14 Q. I can't make it out. Can you tell
15 me what it says?

16 A. "Peggy, regarding the AOL charge; I
17 changed billing to 23.90 per month on October
18 3rd, 2001. Apparently this change could not be
19 implemented until end of billing cycle October
20 21st, 2001, and so my old plan was in effect
21 until then. It will be 23.90 from now on."

22 Q. Can you describe or explain what
23 this represents?

24 A. when I started the account, I think

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1

2 (Defendants' Exhibit III,
3 E-MAIL, was marked for
4 identification.)

5

6 MS. PERATIS: Okay, you can ask
7 questions about it.

8

9 BY MR. WEBER:

10 Q. We have before you Defendants'
11 Exhibit HHH. Can you identify that document?

12 A. This one?

13 MS. PERATIS: Yes.

14 A. This was an e-mail from me sent to
15 the administrative office at Art Basel.

16 Q. What's the administrative office of
17 what?

18 A. Art Basel; it's the art fair.

19 Q. Oh, I see. Okay. And you're
20 identify -- is this to go on a Web site somewhere
21 or?

22 A. No, no, I was attending the fair
23 that year. I was planning on attending the fair
24 that year and they were supposed to send me,

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1 every year they send me a package to go with my
2 pass, and I wanted them to send it to my home
3 address instead.

4 Q. Okay. And you sent this on May 7th,
5 2004?

6 A. I guess so.

7 Q. And that's the home address you
8 gave?

9 A. Yes.

10 Q. Were you the director of The Ross
11 Collection at that time?

12 A. No.

13 Q. Turning to Defendants' Exhibit
14 triple I, can you identify that document?

15 MS. PERATIS: I don't think we have
16 it.

17 MR. WEBER: Sorry.

18 Q. Can you identify that document?

19 A. Yes. This is an e-mail from me to
20 Tasha Seren.

21 Q. And where you say, first please,
22 quote, Forget to bring the copy of the book stuff
23 to the meeting. What is that referring to?

24 A. This refers to a meeting with